

10.55.602 DEFINITIONS For the purposes of this chapter, the following terms apply:

(1) "Assessment" means the gathering, organizing, and evaluation of information about student learning in order to monitor and measure the effectiveness of the instructional program.

(2) "Asynchronous" means not occurring at the same time. "Asynchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at different times, the period of which may vary by circumstance, (e.g., e-mail, threaded discussions, homework, message boards).

(3) "Benchmark" means expectations for a student's knowledge, skills, and abilities along a developmental continuum in each content area. That continuum is focused at three points: the end of grade 4, the end of grade 8, and upon graduation (grade 12).

(4) "Certification" means licensure of an educator/ specialist, as issued by the state of Montana, based on completion of an approved teacher, administrator or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s) and classification.

(5) "Combined elementary-high school district" means an elementary district and a high school district which are combined for district administration purposes, including districts designated as "K-12 districts" pursuant to 20-6-701, MCA. Most town school districts in Montana would fit this category, i.e., Helena, Hamilton, Whitehall.

(6) "Content standard" means what all students should know, understand and be able to do in a specific content area, such as reading, mathematics, or social studies.

(7) "Deviation" means a citation of non-compliance with any given standard.

(8) "Distance learning" means instruction in which students and teachers are separated by time and/or location with synchronous or asynchronous content, instruction, and communication between student and teacher (e.g., correspondence courses, online learning, videoconferencing, streaming video).

(9) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(10) "Independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through 8.

(11) "Part-time" means not less than six hours in a school week.

(12) "Performance standard" means the specific expectations for performance in each content area at each of the three benchmarks. Performance standards define the quality of performance and describe the performance to be demonstrated.

(13) "Program area standards" means the subject matter Montana school districts are required to offer and the strategies and proven practices used to instruct. The program area standards include: communication arts, arts, health

enhancement, mathematics, science, social studies, career and vocational/technical education, technology, workplace competencies, library media, world languages and school counseling.

(14) "Program delivery standards" means the conditions, practices and resources school districts are required to provide for all students to have educational opportunities to learn, develop and demonstrate learning to content and performance standards.

(15) "Online learning" means education activity in which instruction and content are delivered primarily via the internet. Online learning is a form of distance learning.

(16) "School administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a class 3 license and is appropriately endorsed, or who is enrolled in a Board of Public Education approved administrator internship program under ARM 10.55.702 through 10.55.705.

(17) "Synchronous" means occurring at the same time. "Synchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at the same time even though they may be in different physical locations. For example, instruction in which students and teachers are online at the same time so that a question can be immediately answered (e.g., telephone calls, face-to-face meetings, physical classrooms, chat rooms, and videoconferencing).

(18) "Technology delivered learning" means instruction and content delivered via digital technologies (e.g., online, CD-ROM, DVD-ROM, or learning experiences that involve primarily the use of computers). (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2001 MAR p. 953, Eff. 6/8/01; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2080, Eff. 9/26/03; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.701 BOARD OF TRUSTEES (1) The board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations.

(2) The board of trustees shall provide in each school building at least one copy of the accreditation standards for staff and public review.

(3) Each school district shall have in writing and available to the staff and public:

- (a) a comprehensive philosophy of education;
- (b) goals that reflect the district's philosophy of education;
- (c) sequential curricula for each program area that aligns to the content and performance standards and the district's educational goals;
- (d) policies establishing student assessment procedures that ensure evaluation of the school's curricula and student learning. These procedures shall specify how and when data are to be collected, analyzed, and reported;

(e) policies that delineate the responsibilities of the board, superintendent, and personnel employed by the school district. The trustees shall review these policies on a regular basis and make them available to employees and the public;

(f) a policy on student, parent, and school employee due process rights;

(g) a policy that is designed to address bullying, intimidation, and harassment of students and school personnel;

(h) an equity policy;

(i) a transfer policy for determining the appropriate placement of incoming students;

(j) an academic freedom policy;

(k) a materials selection policy, including a challenge procedure, for all curricular and support materials;

(l) a copyright policy;

(m) a policy that defines the use of school facilities and resources;

(n) a parent involvement policy that encourages:

(i) regular, two-way and meaningful communication between home and school;

(ii) promotion and support of parenting skills;

(iii) that parents play an integral role in assisting student learning;

(iv) that parents are welcome in the school, and that their support and assistance are sought;

(v) parents as full partners in the decisions that affect children and families; and

(vi) community resources be used to strengthen schools, families, and student learning;

(o) a policy that incorporates the distinct and unique cultural heritage of American Indians and that is aligned with district educational goals; and

(p) a policy addressing distance, online, and technology delivered learning as defined in ARM 10.55.602.

(4) The board of trustees shall have valid, written contracts with all regularly employed certified administrative, supervisory, and teaching personnel.

(5) The board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed certified administrative, supervisory, and teaching personnel. The individual evaluated shall have a written copy of the evaluation, the opportunity to respond in writing to the evaluation, and access to his/her files. Personnel files shall be confidential.

(6) The board of trustees shall establish conditions that contribute to a positive school climate and morale by encouraging cooperative and harmonious relationships among the staff members, students, parents, and community.

(7) To enhance a positive learning environment, the board of trustees shall:

(a) establish a system to keep parents/guardians up to date on students' progress; and

(b) use technology and equipment to facilitate management and instruction.

(8) To ensure continuous education improvement, the district shall

engage in a continuous school improvement process. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2006 MAR p. 755, Eff. 3/24/06; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF SCHOOL ADMINISTRATORS/PRINCIPALS (1) School districts shall employ appropriately endorsed school administrators/principals as follows:

(a) for schools in third class elementary districts without a licensed administrator under contract, a supervising teacher and county superintendent will be accepted in satisfaction of administrator requirements for up to eight full-time equivalent (FTE) licensed staff;

(b) for schools in districts with an assigned licensed administrator under contract, the following staffing requirements shall apply:

(i) .5 FTE principal for schools with more than eight and less than 18 FTE licensed staff. A district may satisfy the FTE requirements of this subsection for a school under this circumstance by prorating the assignment of building administrators in other buildings of the district, so long as the number of licensed FTE staff for whom each administrator is responsible is not more than 29 and so long as the number of students for whom each administrator is responsible is not more than 550;

(ii) one FTE principal for schools with 18-29 FTE licensed staff or 250-550 students;

(iii) two FTE administrators/principals for schools with 551-1050 students;

(iv) three FTE administrators/principals for schools with 1051-1550 students;

(v) four FTE administrators/principals for schools with 1551-2050 students; and

(vi) five FTE administrators/principals for schools with 2051 or more students.

(2) In schools that require two or more FTE administrators/principals, at least one individual shall be appropriately endorsed as principal. At least a second administrator shall have administrative endorsement(s) at the appropriate level(s) and in the area(s) that accurately reflects the administrator's supervisory responsibilities. For example, a school may assign properly licensed and endorsed curriculum coordinators to supervise the appropriate instructional programs.

(3) In schools with at least three FTE school administrators who are administratively endorsed, release time of department coordinators or chairpersons may be counted toward additional school administration. Department coordinators or chairpersons counted toward school administration may observe and supervise but shall not formally evaluate classroom instruction. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1992 MAR p. 1137, Eff. 5/29/92; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED LEARNING (1) This rule establishes requirements for distance, online, and technology delivered learning programs and/or courses that fulfill elementary or middle grades basic education programs and/or high school graduation requirements.

(2) School districts may receive and/or provide distance, online, and technology delivered learning programs.

(a) School districts receiving distance, online, and technology delivered learning programs to supplement instruction may utilize distance, online, and technology delivered learning as they would other supplementary resources without restriction.

(b) Distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the school district and be aligned with state content and performance standards.

(c) A school district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs.

(3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana in the area of instruction taught. School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator for each course and available to the students.

(a) When a teacher of distance, online, and technology delivered learning programs and/or courses does not possess the qualifications specified in (3), the facilitator must be licensed and endorsed in Montana in the area of instruction facilitated.

(i) The provisions of (3) and (3)(a) shall not be effective until July 1, 2009.

(b) When a teacher of distance, online, and technology delivered learning programs is qualified as provided in (3), the receiving school district's facilitator shall be a licensed teacher or a para-educator.

(c) School districts receiving distance, online, and technology delivered learning programs and/or courses must provide qualified facilitators for synchronous delivery to students in schools accredited by the Montana Board of Public Education, requiring physical presence of a facilitator, and for asynchronous delivery, requiring facilitators be available to students.

(d) The school district must ensure that the distance, online, and technology delivered learning facilitators, receive in-service training on technology delivered instruction pertaining to:

- (i) the course organization;
- (ii) classroom management;
- (iii) technical aspects of the delivery method;
- (iv) strategies for use of distance learning;
- (v) monitoring of student testing;
- (vi) and securing other services as needed.

(4) Montana school districts providing distance, online and technology delivered learning shall comply with the teacher load requirements of ARM 10.55.713(3).

(5) All providers or coordinating entities of distance, online, and technology delivered learning programs shall annually, no later than October 1:

(a) register with the Office of Public Instruction;

(b) identify all Montana school districts to whom they are providing distance, online, and technology delivered programs and/or courses;

(c) document the professional qualifications, including Montana teacher licensure and endorsement, of their teachers of distance, online, and technology delivered programs and/or courses;

(d) provide the course description including the content and delivery model for each distance, online, and technology delivered program and/or course provided to Montana schools; and

(e) demonstrate that the students they serve have ongoing contact with their teachers of distance, online, and technology delivered learning programs and/or courses. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 626, Eff. 4/28/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2004 MAR p. 719, Eff. 4/9/04; AMD, 2007 MAR p. 692, Eff. 5/25/07.)